



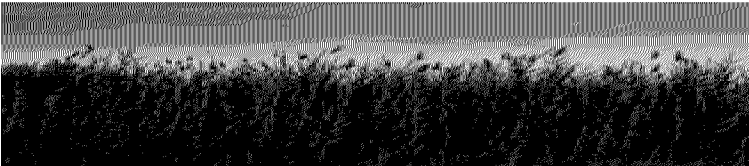
Article of interest; about 5th one down.  
Heather Gray to: Mary Coe

01/23/2012 10:47 AM

From: Heather Gray/R3/USEPA/US  
To: Mary Coe/R3/USEPA/US@EPA

----- Forwarded by Heather Gray/R3/USEPA/US on 01/23/2012 10:46 AM -----

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Date: 01/23/2012 09:07 AM  
Subject: Solid Waste & Emergency Response Law News for January 23, 2012



SOLID WASTE & EMERGENCY RESPONSE LAW  
NEWS FOR JANUARY 23, 2012

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

Enforcement

**Exxon Mobil Agrees to Pay Montana  
\$2.4 Million for Yellowstone River Spill**

MISSOULA, Mont.—Exxon Mobil Corp. has agreed to pay Montana some \$2.4 million to settle state charges related to a pipeline rupture near Billings, Mont., that spilled thousands of gallons of crude into the Yellowstone River....

Oil Spills

**BP Could Pay Up to \$25 Billion to Settle  
Gulf Oil Spill Charges, Industry Analyst Says**

HOUSTON—BP Plc could pay out \$20 billion to \$25 billion to the federal government to settle criminal and civil charges stemming from the 2010 oil spill in the Gulf of Mexico, according to a Morgan Stanley analyst....

Solid Waste

**Activists Sue to Block Plant in Puerto Rico  
That Would Convert Waste to Energy**

Local activists have filed a lawsuit against Puerto Rican authorities to block a \$50 million proposed waste-to-energy facility in Barceloneta on the grounds that an environmental impact study is inadequate (In Re: Administracion de Asuntos...

Solid Waste

**Missouri Obtains Injunction Shutting Down  
Composting Facility That Lacks Permits**

ST. LOUIS—Missouri has obtained a preliminary injunction shutting down an unpermitted composting facility, Attorney General Chris Koster (D) announced Jan. 18 (Missouri v. Post, Mo. Cir. Ct., No. 10LW-CC00068, preliminary injunction...

CORRECTION

An article in the Jan. 20 report about a white paper from the Solid Waste Association of North America on the economic benefits of waste-to-energy facilities incorrectly identified the chief executive officer of Lancaster County Solid Waste...

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Inside EPA's Superfund Report, 1/23/12  
<http://insideepa.com/Superfund-Report/Superfund-Report-01/23/2012/menu-id-128.html>

PDF version:

[http://insideepa.com/iwpfile.html?file=current\\_issue%2Fsuperfund\\_current.pdf](http://insideepa.com/iwpfile.html?file=current_issue%2Fsuperfund_current.pdf)

### **Despite Legal Limit, EPA Using Superfund To Address Likely Drilling Waste**

EPA is using its Superfund law authority to investigate and address hazardous substances found in drinking water wells in Pennsylvania and Wyoming that the agency is signaling could have been caused by natural gas drilling, a rare move since the law has rarely been used to address oil and gas drilling operations.

### **EPA Moves To Clarify Hazardous Waste Rules, Opening Door To Controversy**

EPA has launched a broad new rulemaking to clarify and consolidate its regulations for hazardous waste generators, a move that one industry source says could make it easier for some companies to comply with disparate requirements, but which also could open the door to controversial policy changes.

#### **Latest Blogs**

##### **EPA Checks For Cleanup Mishaps**

EPA is investigating whether an error published in the latest edition of its drinking water standards document has led to any mistakes at hazardous waste . . .



## **OIL AND GAS:**

# **Public pressure, not regs, will force cleaner fracking -- Jackson**

Annie Snider, E&E reporter

Published: Friday, January 20, 2012

Public pressure like that from residents of a small town in Pennsylvania who claim their water has been fouled by hydraulic fracturing will force the industry to make its practices greener, U.S. EPA Administrator Lisa Jackson said today.

"Fracking fluids will get greener, water use will get down, all because the industry, quite frankly, will do it, must do it, and will feel the public pressure -- not the EPA pressure -- to do this in a responsible way," Jackson said, speaking at a conference in Washington, D.C., this afternoon hosted by the National Council for Science and the Environment.

Yesterday, the agency announced it will truck potable water to the residents of Dimock, Pa., while it samples water for hazardous substances (*Greenwire*, Jan. 20). The town's residents say drilling activity by Cabot Oil & Gas Corp. has polluted their water wells, which data from state regulators and the company have shown to be tainted with methane and other toxic chemicals. The company trucked potable water into the town for three years until state regulators told Cabot that it had met its obligations under a 2010 settlement. The water deliveries ended Dec. 1.

Jackson has criticized Pennsylvania officials for their handling of the issue, but her agency has flip-flopped on its role multiple times in the past two months. Before yesterday's announcement, EPA had told residents first that the water posed no health risk, then that it needed further study, then, in a span of 24 hours earlier this month, the agency promised to truck in water and then reneged.

Jackson indicated today that the back-and-forth was related in part to questions about EPA's authority over the matter. The responsibility for enforcing and implementing the Safe Drinking Water Act rests with the states. Jackson said her agency ultimately decided to intervene under its Superfund authority.

## **GULF SPILL:**

# **DOJ wants to hold companies liable for environmental damages**

Published: Friday, January 20, 2012

The U.S. Department of Justice yesterday asked U.S. District Judge Carl Barbier to declare BP PLC, Anadarko Petroleum Corp. and Transocean Inc. liable for Clean Water Act and Oil Pollution Act penalties related to the April 2010 oil spill in the Gulf of Mexico, prompting the companies to point fingers at one another.

Steven O'Rourke, a senior attorney in the environmental enforcement section of DOJ, said the two federal acts clearly state owners or operators of vessels or offshore facilities are liable in the event of an oil spill.

BP held the lease on the Macondo well, and Anadarko owned a share of it. Transocean owned the Deepwater Horizon drilling rig. All three companies admit oil was spilled in the Gulf, and O'Rourke told Barbier these facts are enough to declare all of the companies liable.

"They've admitted they're owners, and they've admitted a discharge of oil from the well," he said. "It really is that simple."

If the companies are held liable for the spill, they will be responsible for paying millions of dollars in civil environmental penalties. A Feb. 27 trial is expected to begin an almost yearlong process of assigning fault for the Deepwater Horizon explosion and subsequent

spill. Each of the three companies would face penalties proportional to their contribution to the disaster.

But BP, Anadarko and Transocean say laying blame is not that easy and have each provided arguments as to why they shouldn't be held liable.

Anadarko, which owned a 25 percent stake in the Macondo well, is not responsible under the Clean Water Act because the oil leaked from Transocean's broken rig equipment, said David Salmons, a lawyer for the company. Anadarko owned no part of the rig.

BP agrees with Anadarko that the discharge stemmed from Transocean's vessel, said Andy Langan, an attorney for the British oil giant.

Transocean disagreed, saying the spill was a result of BP's loss of well-control.

Barbier said he would consider the companies' claims but did not give a time frame for his ruling (Rebecca Mowbray, [New Orleans Times-Picayune](#) , Jan. 19). -- **PK**

## OREGON: State to consider cap on mercury in CFLs

Published: Friday, January 20, 2012

Next month, the Oregon Legislature will consider legislation that would cap the amount of mercury allowed in compact fluorescent light bulbs.

The proposal, introduced Wednesday during a committee hearing, would set the limit on mercury at 3.5 milligrams in both CFLs and linear fluorescent light bulbs. It would also require state agencies to buy light bulbs that meet the standards whenever possible and require the state's Department of Environmental Quality to come up with a program to recycle the light bulbs by Oct. 1.

The legislation would be a scaled-back version of a bill introduced last year that would have required producers to pay for the recycling of their CFLs.

The cap on mercury would not be "a big reach" for light bulb manufacturers because they already face stricter standards from Europe, said Abby Boudouris, DEQ's household hazardous waste coordinator. National Electrical Manufacturers Association senior manager Mark Kohorst said his organization supports the intent of the proposed legislation but will offer changes to it next month.

If the proposal is enacted, Oregon would join California, Maine and Vermont in capping mercury in CFLs (Scott Learn, [Portland Oregonian](#) , Jan. 18). -- **AP**

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